

AUG 20 2019



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Melanie Vander Feer

Athol, ID 83801

RE: MUR 7559  
Melanie Vander Feer

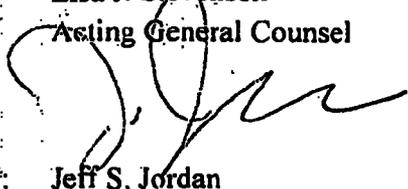
Dear Ms. Vander Feer:

On January 31, 2019, the Federal Election Commission ("Commission") notified the party identified as "Your Conservative Republican Precinct Committeeman" of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On August 15, 2019, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that you violated provisions of the Act. The Commission then closed its file in this matter. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

BY:   
Jeff S. Jordan  
Assistant General Counsel

Enclosure:  
General Counsel's Report

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 **ENFORCEMENT PRIORITY SYSTEM**  
4 **DISMISSAL REPORT**

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6 **MUR: 7559**

**Respondents: Kootenai County Republican**  
**Central Committee (the "Committee"),**  
**Melanie Vander Feer**

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10 **Complaint Receipt Date: December 21, 2018**

11 **Response Dates: February 14, 2019, February 15, 2019, February 28, 2019**

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15 **Alleged Statutory/**  
16 **Regulatory Violations:**

**52 U.S.C. § 30120(a), (c)(2);**  
**11 C.F.R. § 110.11(a), (c)(2)(ii)**

17  
18 The Complaint alleges that an unknown person mailed a flyer lacking a proper disclaimer  
19 shortly before the 2018 general election that advocated for the election of congressional candidate  
20 Russ Fulcher.<sup>1</sup> The flyer states that it is from "your Conservative Republican Precinct  
21 Committeeman," which the Complainant alleges is false.<sup>2</sup> The Committee acknowledges the  
22 omission of the "Paid for by" disclaimer on the flyer, and attributes the error to a misunderstanding  
23 with the printer.<sup>3</sup> The owner of Upscale Mail, the printer, responded that Upscale Mail produced  
24 and mailed the flyer for a total cost of \$83.81.<sup>4</sup>

25 Based on its experience and expertise, the Commission has established an Enforcement  
26 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
27 assess whether particular matters warrant further administrative enforcement proceedings. These  
28 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity

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<sup>1</sup> Compl. at 2, 4 (December 21, 2018). Russ Fulcher was a 2018 candidate in Idaho's 1st Congressional District. The mailer also endorsed state and local candidates. *Id.* at 5.

<sup>2</sup> *Id.* at 2, 4.

<sup>3</sup> Committee Resp. at 1 (February 15, 2009).

<sup>4</sup> Upscale Mail Resp. at 1 (February 14, 2019).

1 and the amount in violation; (2) the apparent impact the alleged violation may have had on the  
2 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in  
3 potential violations and other developments in the law. This matter is rated as low priority for  
4 Commission action after application of these pre-established criteria. Given that low rating and the  
5 low dollar amount spent to copy and mail the flyer, we recommend that the Commission dismiss the  
6 Complaint consistent with the Commission's prosecutorial discretion to determine the proper  
7 ordering of its priorities and use of agency resources.<sup>5</sup> We also recommend that the Commission  
8 close the file and send the appropriate letters.

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10 Lisa J. Stevenson  
11 Acting General Counsel  
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14 Charles Kitcher  
15 Acting Associate General Counsel  
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17  
18 8.5.19  
19 Date

20  
21 BY: Stephen Gura  
22 Stephen Gura  
23 Deputy Associate General Counsel

24 Jeff Jordan /by KP  
25 Jeff S. Jordan  
26 Assistant General Counsel

27  
28 Donald E. Campbell  
29 Donald E. Campbell  
30 Attorney

<sup>5</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).